#### HISTORIC PRESERVATION COMMISSION

Minutes

March 12, 2009

The Historic Preservation Commission for the City of Salisbury met in regular session on Thursday, March 12<sup>th</sup> in the Council Chambers at the City Hall, 217 S. Main Street.

The meeting was called to order by the Chairperson, Anne Lyles. She read the purpose and procedure for the meeting.

In addition to Anne Lyles, the following members were present and introduced: Jack Errante, Ronald Fleming, Susan Hurt, Deborah Johnson Judy Kandl, Andrew Pitner, Kathy Walters, Anne Waters.

# **Requests for Certificates of Appropriateness**

H-10-09 314 W. Thomas St. – Kenneth D. & Anne R. Bost, owner –

**Request:** Replace old masonite siding and wood trim on the house addition with 'New Hardi' siding and trim; scrape and paint the front dormer, replace and repair rotted wood. –

### **NOT PRESENT**

H-11-09 700 S. Fulton St. – Andrew & Kristen Hodges, owner –

**Request:** (1) 6-ft. wooden fencing in rear yard to provide privacy, security, and containment {for children and dogs at play} (2) Curved driveway to increase safety and convenience when merging with traffic.

Andrew Hodges, property owner, and Janet Gapen, staff liaison, were sworn in to give testimony for the request.

Staff presented slides as Mr. Hodges began his testimony.

Mr. Hodges testified that he would like to enclose the rear of his property with a privacy fence that would be as similar as possible to his neighbor's fence at 706 S. Fulton Street.

Janet Gapen reminded the Commission that privacy fences in side and rear yards are a part of minor works, so the requested fence could be approved separately as a minor work or it could be approved as part of the motion.

Mr. Hodges testified that the proposed 6-ft. fence is in the rear of the property. From the slides he pointed out his neighbor's fencing that comes out from the side of his house. He stated that he proposes to continue the fencing across the existing 15-ft. divide in order to allow the back yard to be completely fenced in. Most of the fencing would be at the rear on the alley with additional fencing along a short portion of Thomas St.

In response to a question from Andrew Pitner, Mr. Hodge testified that there would be a double gate, swinging outward and a walk-thru gate that would adjoin the neighbor's property; both the same height as the fence.

Mr. Hodge continued his testimony with plans for the proposed semi-circle driveway. He testified that the proposal is to block the current driveway and build a new one using the same existing driveway with entrance and exit from W. Thomas St. He said it be somewhat a circular driveway, but more long than deep. He showed on the submitted drawing that the entrance on the right side is already there, but the left side entrance does not exist. He testified that there would not be a problem with having at least 50 ft. between the proposed driveway exit on the left and the corner of S. Fulton and W. Thomas St. where there is an existing stop sign.

In response to Anne Lyles who asked Mr. Hodge what the material of the driveway would be, he stated that the proposal is for concrete but they would be happy to adjust that as needed. The existing drive is concrete.

Mr. Hodge presented a picture of his neighbor's driveway across the street at 628 S. Fulton St. that is semi-circular though larger than the driveway he proposes, but similar in function. He also presented a picture of the driveway at the corner of S. Fulton & Marsh St. which he said was the closest example of his proposal in shape and size.

Janet Gapen presented a slide presentation of a study she had completed of driveways in the area which included properties in the immediate area of S. Fulton St., down 1 blk. eastward on W. Thomas St., and Fulton St. to edge of the outer boundary of the historic district. She said the pattern is similar to what would be expected in an urban neighborhood including alleys, and homes that are accessed only through the alley. In addition to the semi-circular drives already shown, Ms. Gapen stated that the majority of properties have single width driveways that extend from the street directly towards the back of the property. She said there are some property owners who share driveways.

### **Pubic Hearing**

There was no one present to speak in support or opposition to the request.

#### Deliberation

Anne Waters began by stating that any time a yard is paved over it is going against the guidelines and the fact is that Mr. Hodge already has a driveway.

Mr. Hodge stated that both his cars have to the park on the driveway because the existing garage is essentially unusable for a car and is being used for a shed. He said the cars are in between the house and the garden. He informed the Commission that he tried to position a parking space off of the alley, as his neighbor does, but there is a tree at the rear of his yard which prevents him from doing that. In addition, he continued, the location and width of the driveway make it difficult to back onto Thomas St. without crossing the rear lane of traffic.

Anne Lyles asked Mr. Hodge if he planned to remove the cement from the existing driveway. He stated that at some time in the future he would like to turn that space into a patio.

Mr. Hodge testified that the driveway would be approximately 10 ft. wide. He estimated the distance from the shrubbery to the sidewalk as being about 15 ft., while Janet Gapen's estimation was approximately 12 ft.

Jack Errante asked Mr. Hodge if there was anything that would prevent his circular drive from being located between the area of his current driveway past the existing large trees and out to the alley. Mr. Hodge said that though it was possible he had not considered it. He said, "I think that would be very unattractive."

Susan Hurt stated that she thinks the biggest question is whether the proposed driveway conforms to the spacing, width, and configuration of the existing driveway. She further stated that the existing circular drive across the street probably would not have been approved under the current Design Guidelines. She also noted 2 of the other circulars drives mentioned are on much bigger lots therefore do not have a problem with spacing. She said, "I do not think it conforms to the spacing, and configuration of driveways overall in the neighborhood."

Anne Lyles suggested that the driveway be located in the back part of the yard rather than the front but Mr. Hodge stated that there is a steep 18" slope along the sidewalk to the right of the existing holly bushes that would make that location less feasible.

Judy Kandl read the following driveway guideline: *It is not appropriate to abut new driveways or parking areas directly to the principle structure.* It appears, she said, that the proposed driveway location would do exactly that. In reference to her comments concerning how close the driveway would be to the house, Mr. Hodges acknowledged that it would be very close. He said, "Its right next to the house."

Judy Kandl informed Mr. Hodge that the alley access would be consistent with the guidelines. She said that the fact that the driveway leads to a garage that is not useable by today's standards is a condition of the historic district. She suggested the possibility of removing 2 existing shrubs and parking on the grass. If that works, she said, it would be consistent with the guidelines, gets the cars totally off the street, and gives a more useable straight run. The existing landscaping would be a buffer and also provide screening for the cars, and the fence behind that.

Janet Gapen informed Mr. Hodge that the guidelines state that driveways and alleys should be used to access side and rear parking areas and also that it is not appropriate to locate off-street parking in the side yard.

Judy Kandl suggested another option for complying with the guidelines by locating a 20x20 area near the existing large trees to the right of the garage, and removal of the 2 shrubs in order to create 2 parking spaces and then reconfigure the fence which would still allow for an intact garden area.

In response to Kathy Walters who asked Mr. Hodge if he would be willing to come back with a different proposal, he said, "Yes." He requested approval of the fence portion of the application; however, Kathy Walters reminded him that the fence configuration may need to be changed with the new driveway proposal.

Janet Gapen read the guidelines for wooden privacy fences in rear yards found under minor works, a part which specifies that a 6-ft fence not extend beyond the rear of the house. She said, "It could not be approved through minor works in this configuration." The Commission could consider it, she said. She further stated that it would be best if he would withdraw the request and return to the next meeting with a new proposal. Commission members agreed.

Janet Gapen informed Mr. Hodge that withdrawal means that he would not have any route of appeal. He said, "I am happy to appeal."

[At this point in the meeting Commission members Jack Errante and Kathy Walters were excused, by request, from the meeting.]

**H-12-09 405-407 N. Lee St. –** Rowan Investment Co., Inc. (RIC), owner – John C. Ketner, applicant

**Request:** Install double folding security gate so that storefront can be secured.

John Ketner, applicant and Gray Stout, architect, were sworn in to give testimony for the request.

Staff presented slides.

Gray Stout began the testimony by stating that the proposal is to install a double-folding security gate so that the existing storefront could be secured. The front façade was completed as a tax credit project in 2008. He stated that on the left side of the twin façade there is an existing garage door and pedestrian entrance door. On the right side the garage door is in a fixed open position in an aluminum storefront system that is approximately 18 inches behind the primary façade. It also has an existing pedestrian entrance door. From the slides he pointed out the area for the proposed location of the double-folding security gate. He stated that behind the space located below the overhead door on the right side there is a track that the garage door would fold into as the door is lowered. The folding gates would be behind that area with the same on the left side.

Mr. Stout presented a picture of the gate which would be 8 ft. tall and in an open position 18 inches wide.

Anne Waters asked if there had been problems with vandalism, to which Mr. Ketner stated that in the past they have dealt with graffiti, broken windows, and also roof leaks caused by falling bullets. He said his concern is the wide open glass that could be an attractive target for someone with a baseball bat. He said, "We're afraid that we would undo our progress in a detrimental way if we don't take some precautions to try to prevent this."

In response to Judy Kandl who asked how long the overhead lights on the property had been in place, Mr. Ketner stated that the lights completed in September 2008 were a part of the SHPO's approved tax credit project.

Anne Waters stated that her immediate reaction to the proposed security gate was, "This is something that you're going to see in New York, Washington DC; not on the main Streets of Salisbury." She further stated that she thinks it will cause the building to lose its charm.

Anne Lyles commented that she could understand their concerns and those of the tenants but thought the perception of those passing by might form the impression that it must be a bad area.

Grey Stout said, "And that is a valid concern but I don't know if it's a historic preservation concern as far as the guidelines go."

In response to a question concerning the approximate time the gates would be closed, Mr. Ketner said that would be up to the tenant and not their responsibility. He said generally speaking, he thinks they would be open more than they were closed.

Grey Stout informed the Commission that the scissors affect when the gate is open and the color would not obtrusive. He said they had chosen one that would let more light through and was not opaque but more translucent. The proposed color is light gray.

# **Public Hearing**

Mary Etta Smith was sworn to speak in favor of the request; there was no one present to speak in opposition.

#### Deliberation

Judy Kandl read guideline #4 from the Non-Residential Historic District Guidelines – Safety and Accessibility – It is not appropriate to introduce new fire doors if they would diminish the original design of the building or damage historic materials and features. Keep new fire doors as compatible as possible with existing doors in proportion, location, size, and detail.

She stated that consideration should be given to the fact that the building, even as an industrial warehouse with garage doors, does not have gates. Also, precedence of what Salisbury already has for dealing with matters as this particular one should be considered. For an example she mentioned the pawn shop on N. Main St. noting that the gate system was behind the windows allowing the windows to be seen first when the store is closed. The appearance on the outside has not been affected. She further stated that she has real challenges with whether it is compatible with the identity of the rail district.

Andrew Pitner said he did not think the installation of the gate would cause any historic fabric of the building to be destroyed.

Susan Hurt who said she has lived in New York commented that "It doesn't make you feel like you live in a bad neighborhood, it makes you feel like people are invested in what they've got."

With no additional comments the Chair called for the motion.

Susan Hurt made the motion as follows: "I move that the Commission find the following facts concerning Application #H-12-09 – that John Ketner, applicant for Rowan Investment Company, Inc., owner of 405-407 N. Lee Street, appeared, along with Gray Stout, before the Commission and sought a Certificate of Appropriateness to install a double folding security gate on the storefront; that Mary Smith appeared before the Commission to support the Commission to support this request, this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Building – Storefronts, pages 20-23, guidelines 1-7 of the Non-Residential Historic District Design Guidelines, there are no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-12-09 be granted to John Ketner, applicant fro Rowan Investment Company, Inc., owner of 405-407 N. Lee Street, to make the changes detailed in the application."

Deborah Johnson seconded the motion. Commission members Errante, Hurt, Johnson Lyles, Pitner, and Walters voted AYE; members Kandl and Waters voted NO.

H-13-09 409-413 N. Lee St. – Rowan Investment Co., Inc. (RIC), owner – John C. Ketner, applicant

**Request:** (1) Install gooseneck lights (2) Install wall-mounted security light under each awning (3) Install new overhead door on North end (4) Install new storefront on South end (4) Install double folding security gate to secure storefront (5) Install awnings over each set of doors. See attached drawing.

Staff presented slides as Gray Stout continued with testimony for the next building in the row heading north. He stated that the building has an existing garage door, double entry/exit door planked by 2 windows, with the pattern repeating again in reverse. He testified that the proposal is to install gooseneck lights, wall-mounted security lights under each awning, new overhead door on the door to the north that would match the door approved for 407 N. Lee, and a new storefront on the south door matching the previous approval at 405 N. Lee. Also, a double-folding security gate on the new storefront, and awnings over each set of doors would be installed. Mr. Gray stated that the overhead door for 409 is not as tall or wide as the door approved for 407.

Mr. Gray testified that the proposed awnings over the 2 doors are metal and open-ended which match the awnings at 3 other locations in the same 3-block area. Above the awning would be the gooseneck light which would accent the awning. A picture of another light that would be located underneath the awning to provide light over the actual doorway was shown.

Judy Kandl asked why they would propose a 3-bay window door front for the building knowing that a security gate would be needed in front of it to avoid the possibility of security issues just as the adjacent building where a security gate has already been approved. She also noted that it would not be symmetrical as the building is symmetrical.

Mr. Ketner responded to her question by explaining that although the building was wondrously inviting on the inside it had been hard for the artists who lease the building to bring in the type of regular traffic that they would like to have without a better way to display their work. He said the National Park Service suggested the idea of the recess door front for the building next door and it is evident that the attention generated from the public has been pretty remarkable. In reference to the symmetry he stated that the National Park Service did not have a problem with the symmetry issue as long as the overhead doors are visible.

In response to Judy Kandl's question concerning tax credits, Mr. Ketner said the present changes being requested have not been approved because they thought it would be appropriate to come before the Commission first. He said the total interior renovations qualified them for the tax credits that have already been received.

### Public Hearing

Mary Smith (already sworn) spoke in favor the request. She said, "We are hoping that people will feel happy about coming into the whole block and not just the one on the corner."

### Deliberation

Judy Kandl noted that the Commission had approved light fixtures that were not installed and said, "The light fixtures have changed from what we were asked to approve initially." In addition, she continued the proposed lighting is different from those approved for the building next door.

Gray Stout reiterated that the gooseneck lighting would be in the upper part of the façade and the additional lighting would be located underneath the awning to provide light over the actual doorway that would be more susceptible to vandalism.

In response to Judy Kandl, Mr. Ketner testified that the accent colors for the building would be the same as those presented and approved for the previous building in the row (405-407 N. Lee).

Anne Lyles voiced her agreement with Mr. Ketner that the storefront makes the building more inviting than just a door would do. Anne Waters said she thinks the security doors convey danger.

Judy Kandl addressing the metal awning reading #10 under the awning guidelines which says: "Metal awnings are generally not appropriate but can be used in some instances if they are compatible with historic character of the building." She said the prior reviews were approved because of the industrial character of the warehouse.

There being no other comments or questions the Chair called for a motion.

Andrew Pitner made the motion as follows: I move that the Commission find the following facts concerning Application #H-13-09 – that John Ketner, applicant for Rowan Investment Company, Inc., owner of 409-13 N. Lee Street, along with Gray Stout, appeared before the Commission and sought a Certificate of Appropriateness to install gooseneck lights , wall-mounted security lights under each awning, new overhead door on north end, new storefront on south end, double-folding security gate on storefront, and awnings over each set of doors; that Mary Smith appeared before the Commission to support this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 2 – Changes to Buildings – Storefronts, pages 20-22, guidelines 1-7; Chapter 2 – Changes to Buildings – Windows & Doors, pages 30-31, guidelines 1-4; Chapter 4 – Site Features and District Setting – Signage & Awnings, pages 54-56, guidelines 10-15; Chapter 4 – Site Features & District Setting – Lighting, page 61, guidelines 1-5 of the Non-Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-13-09 be granted to John Ketner, applicant for Rowan Investment Company, Inc., owner of 409-413 N. Lee Street, to make the changes detailed in the application."

Susan Hurt seconded the motion. Commission members Errante, Hurt, Johnson Lyles, Pitner, and Walters voted AYE; members Kandl and Waters voted NO.

**H-14-09 415 N. Lee St.** – Rowan Investment Co., Inc. (RIC), owner – John C. Ketner, applicant

**Request:** (1) Install gooseneck lights (2) Install wall-mounted security light under awning (3) Install awning. See attached drawing.

Gray Stout informed the Commission that the proposed light fixture under the awning would be the same as the one just discussed for 409-413. The awning, he said, would go the entire width of the opening that frames the non-original door in the center. He said there were no proposed changes to the siding or the existing door of the building.

In response to a question from Judy Kandl, Gray Stout stated that the metal awnings and the gooseneck lighting would be identical to that on the adjacent portion of the building except for the length of the awning. The color would also be the same.

# **Public Hearing**

There was no one present to speak in support or opposition to the request.

### Deliberation

Judy Kandl read awning guideline #13 which states .....awnings should be placed appropriately above the transom and projecting over individual window or door openings. They should fit within the window or door opening. She said the proposed awning is in compliance with that guideline because the awning is not continuous but is the full length of the opening.

Andrew Pitner then made the following motion: I move that the Commission find the following facts concerning Application #H-14-09 – that John Ketner, applicant for Rowan Investment Company, Inc., owner of 415 N. Lee Street, along with Gray Stout, appeared before the Commission and sought a Certificate of Appropriateness to install gooseneck lights, wall-mounted security lights under the awning, and to install a metal awning; that no one appeared before the Commission to support or oppose this request; this request should be granted based on The Secretary of Interior Standards for Rehabilitation and Chapter 4 – Site Features & District Setting – Signage & Awning, pages 54-56, guidelines 10-12; Chapter 4 – Site Features & District Setting – Lighting, page 61, guidelines 1-5 of the Non-Residential Historic District Design Guidelines; there were no mitigating factors; therefore, I further move that a Certificate of Appropriateness for Application #H-14-09 be granted to John Ketner, applicant for Rowan Investment Company, Inc., owner of 415 N. Lee Street, to make the changes detailed in the application."

Susan Hurt seconded the motion; all members present voted AYE.

#### **Other Business**

Minor works: There were no questions pertaining to the submitted minor work approvals.

Nominating Committee: Deborah Johnson, Andrew Pitner and Anne Waters volunteered to make up the nominating committee. Janet Gapen informed the committee that they would need to meet prior to the next meeting. She said if they preferred to come to that meeting early enough it would be fine to meet on the same day as the next meeting, April 9<sup>th</sup>.

### Committee report for 112 S. Fulton St.

Highlights from the report submitted of the committee meeting held in reference to 112 S. Fulton St., (the Blackmer House) held February 20<sup>th</sup> were given by Janet Gapen. The committee discussed the purpose of the demolition delay that was put into effect on October 9, 2008, which is to allow time for negotiation with the owner on alternatives to demolition. The committee agreed that in order to determine feasible alternatives, more information was needed about the condition of the structure as well as access to the building to do a complete photo documentation.

Ms. Gapen informed the Commission that since the committee meeting she was able to have a conversation with the owner, Jonathan Blackmer which occurred on March 10<sup>th</sup>. She said Mr. Blackmer has concerns about granting access to the interior of the property because of its condition. He reiterated the fact that his interest for the property is that it be restored and committed to public use with a stipulation that a room or some portion of the property be devoted to a Blackmer museum. In addition, he is not willing to consider sale of the property to a private owner for restoration. He stated that from an assessment that he had done within the last year, the amount quoted as an estimate was restoring the property was \$390,000 and does not mind if the Commission contacts the person who made the assessment for verification. Mr. Blackmer said he would be willing to come to Salisbury for a meeting when there is an offer on the table that meets his criteria.

Ms. Gapen said the Historic Salisbury Foundation has indicated that they would like complete a detail preservation plan for the property.

In reference to interior photos for the documentation, Ms. Gapen said, "We will have to do the best we can and get thorough exterior photographs" if it is not safe to go inside the structure. Susan Hurt stated that she did not know the feasibility of finding the type buyer Mr. Blackmer is looking for, nor what role the Commission would have in finding it.

Ms. Gapen stated that the Commission is obligated to do the following:

- Help find other alternatives
- Continue to make known the owner's desires (following the public hearing)
- Communicate with the owner
- Find out what the feasibility of restoration of the property is
- Identify the hurdles should there be an owner not willing to consider some of the more feasible alternatives

Susan Hurt said she thinks the committee should meet again.

Judy Kandl stated that the guidelines for demolition of buildings does not state that the HPC has to do the photographic documentation and the dimensioning, etc. and wondered if that could not be the responsibility of the owner.

Ms. Gapen said she would check further to find out the procedure that needs to be followed if the Commission opted to ask the owner to be responsible for that documentation.

Anne Lyles stated she remembers that Mr. Blackmer said he would like to salvage anything from the structure that could be reused prior to a demolition.

Judy Kandl commented that there was more to the history of the house than of the family – history that predates the family and makes the history of the building even richer.

As suggested by Judy Kandl, Ms. Gapen said she would contact the State Historic Preservation Office and Preservation North Carolina to get information that might be helpful to them prior to the committee's next meeting.

#### National Park Service Guidance

In reference to the National Park Service Guidance brochure which Commissions members received from Ms. Gapen, she stated that the brochure contained information that the Commission had often discussed pertaining to the repair or replacement of wood windows. She said the brochure gives other considerations to look at when determining the compatibility of replacement windows.

# Update of the Land Management Department

Ms. Gapen presented a graphic to show the changes that have occurred in the Land Management & Development Department which has been divided into two departments: the Planning Department and the Engineering & Development Services Department.

She informed the Commission that the new Code Services Division which falls under the Planning Department would handle the historic preservation enforcement along with nuisance abatements and minimum housing. The applications for certificates of appropriateness and minor works will still be submitted to Development Services.

# <u>Minutes</u>

The February minutes were tabled for approval at the March meeting.

# Adjournment

There being no other business to come before the Commission, the meeting was adjourned at 7:35 p.m.